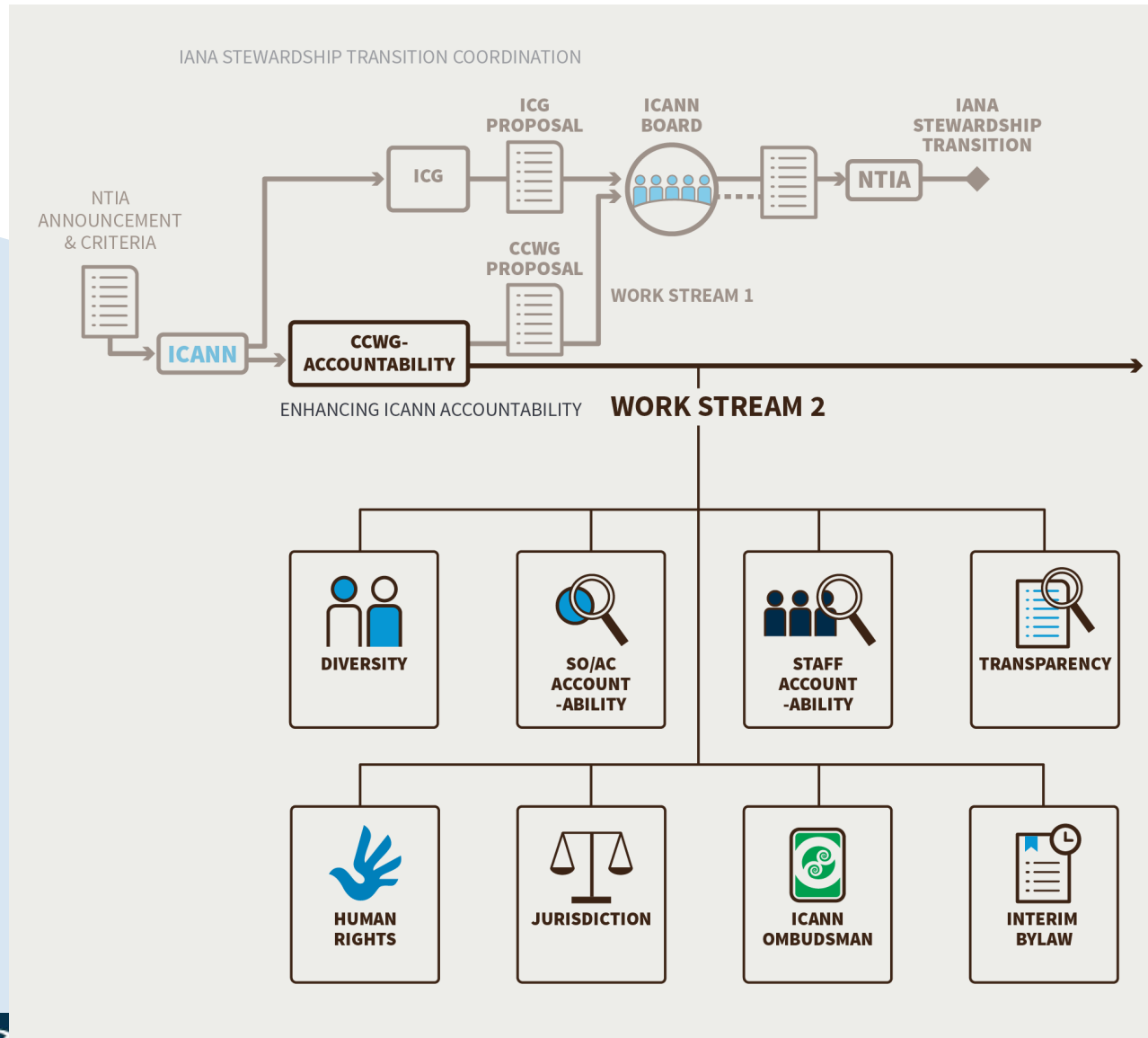


The background of the slide is a solid orange color. Overlaid on this is a stylized world map. The map is formed by a network of small white dots connected by thin white lines, creating a mesh-like structure that outlines the continents. The text is centered over the map.

CCWG-Accountability  
Legal cost control mechanisms  
July 13 2016

# Work stream 2



## Additional topics :

- Review of CEP
- Community guidelines for conduct during Board removal process

# Cost estimate for FY17 – WS2 (reminder)

- Includes WS2 accountability
- Does not include IRP Phase 2 (0,8 million \$), Transition Implementation (3,7 million \$) or General Project activities (1,2 million \$)
- Continuation of ongoing effort to support WG, including staff, AC rooms, transcription
- One day F2F meetings before Icann meetings (maximum of 20 travel support seats)
- Continuation of independant legal advice, with lower intensity and refined cost control mechanisms

	\$ (thousand's)
Staff	808
Travel & meeting	354
Telecom & Language services	201
Legal services	1,400
Other (education, engagement, communication)	344
<b>Total</b>	<b>3,107</b>

# Legal Committee

- Role :
  - Filter, analyze, refine (ensure clarity), and approve requests for legal advice
  - Determine which firm is best suited to respond
- Process :
  - The Committee meets at least once a month
  - Based on subgroup requests documented and share before the meeting,
  - Rapporteurs may attend relevant part of the call to discuss their requests
  - LC ensures that request is a legal issue (not a policy one)
  - With support from PCST, LC tracks legal expenses with clear distinction between what is related to its scope vs any other Legal costs.
  - Counsel may be invited to attend parts of the LC meeting to ensure clarity of expectations and context (reminder : *Counsel participation to CCWG and subgroup calls is exceptional only*)
- Composition based on WS1 Legal subteam executive team, ie :
  - León Sanchez (co-chair, lead)
  - Samantha Eisner (support)
  - Athina Fragkouli
  - Robin Gross
  - David McAuley
  - Sabine Meyer
  - Edward Morris
  - Greg Shatan

# Budget ownership

- Co-chairs would act as budget owners for WS2
- Budget ownership scope excludes staff, as well as telecom & language services
- Ownership implies :
  - Regular updates and progress assessment against the planned budget
  - Potential trade-off decisions
  - Requesting additional budget if necessary (subject to Chartering Orgs and BFC approval)

	\$ (thousand's)
Staff	808
Travel & meeting	354
Telecom & Language services	201
Legal services	1,400
Other (education, engagement, communication)	344
<b>Total</b>	<b>3,107 / 2,098</b>

# Legal Committee – allocation of requests

- **Proposed guidelines for the Legal Committee:**

- If Ican Legal already has an answer available to the question, it can be shared immediately to avoid extra costs.
- The Committee may direct the request at ICANN Legal or external firms, based on a case by case assessment.
  - Decisions would have to take into account costs, delays, respective skills, as well as potential requirement for “independent” advice.
  - The Committee is encouraged to use ICANN Legal as much as possible in order to manage costs effectively.
  - Sidley & Adler will coordinate to decide which firm is best suited to address requests certified to CCWG Independent Counsel
  - If the CCWG requests advice from Jones Day, then Jones Day should either (a) disclose that ICANN (and not the CCWG) is their client for purposes of the memo or (b) enter into an engagement specifically with the CCWG as client (same as Sidley and Adler), and that ICANN has provided a waiver of conflict of interest.
  - Hiring of other firms for specific expertise would be subject to CCWG-ACCT and Ican Legal prior approval (similar process as during WS1)
- Once the LC has determined it needs to hire external legal counsel it forwards the request with relevant details, including estimated costs and a report from the PCST on the financial impact, to the Co-Chairs for approval.
- The Co-Chairs will consider the request and the financial impact as soon as possible and provide a formal response to the LC which will be documented on the CCWG WS2 Wiki if approved.